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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, DENIS  
MOLINA, JHONY SILVA, MARIA ELENA  
HERNANDEZ, O.C., SANDHYA LAMA, S.K.,  
and TEOFILO MARTINEZ,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as  
Secretary of Homeland Security, UNITED  
STATES DEPARTMENT OF HOMELAND  
SECURITY, and UNITED STATES OF  
AMERICA,

Defendants.

Case No. 25-cv-5687-TLT

**PLAINTIFFS' ADMINISTRATIVE  
MOTION FOR ORDER SHORTENING  
TIME AND SETTING SCHEDULE RE:  
PLAINTIFFS' MOTION FOR PARTIAL  
SUMMARY JUDGMENT (ECF 100) &  
PLAINTIFFS' MOTION FOR LEAVE TO  
FILE MULTIPLE MOTIONS FOR  
SUMMARY JUDGMENT (ECF 101)**

Complaint Filed: July 7, 2025

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1 In accordance with Civil Local Rules 6-3 and 7-11 and this Court's rules and orders,  
2 Plaintiffs respectfully move the Court to modify the briefing schedule with respect to Plaintiffs'  
3 Motion for Partial Summary Judgment and Motion for Leave to File Multiple Motions for Summary  
4 Judgment, both filed August 25, 2025 (Dkts. 100 & 101).

5 In support of this Administrative Motion for Order Shortening Time and Setting Schedule  
6 ("Motion"), Plaintiffs submit that good cause exists to shorten time as set forth below:

7 1. Plaintiffs acknowledge and appreciate that this Court has already made extraordinary  
8 adjustments to its schedule in order to carefully consider a large body of evidence and legal  
9 argument in this case on an expedited basis. Nonetheless, given the impact of Defendants' actions on  
10 Plaintiffs' lives and the lives of tens of thousands of other long-time lawful residents of this country,  
11 and the straight-forward nature of the sole claim which Plaintiffs wish to present in their Motion for  
12 Partial Summary Judgment—which is less than 10 pages long and includes only one, three-page  
13 exhibit—Plaintiffs respectfully submit that good cause exists for this Court to again act  
14 expeditiously in considering Plaintiffs' Motion for Partial Summary Judgment and Motion for Leave  
15 to File Multiple Motions for Summary Judgment on or before September 8. Doing so is the only way  
16 to prevent approximately 50,000 people who have lived in this country lawfully for at least 25 years  
17 from losing their jobs, their health insurance, and potentially their presence here altogether. Because  
18 of the stay to this Court's order entered by the Ninth Circuit, Temporary Protected Status ("TPS")  
19 holders from Honduras and Nicaragua are set to lose their TPS on September 9; TPS holders from  
20 Nepal have already lost their legal status and employment authorization.

21 2. Alternatively, if the Court cannot accommodate Plaintiffs' request to hold a hearing  
22 on or before September 8, Plaintiffs request that the hearing currently set on their motion for class  
23 certification, which is scheduled for September 16, 2025, be modified to also address the motion for  
24 partial summary judgment they advance here.

25 3. Plaintiffs are filing this Motion concurrently with the Motion for Partial Summary  
26 Judgment and Motion for Leave to File Multiple Motions for Summary Judgment. The default  
27 hearing date for Plaintiffs' Motions would be September 29, 2025 (35 days from date of filing). This  
28 Court previously set a hearing date of November 18, 2025 for dispositive motions.

1           4.       This matter pertains to the Department of Homeland Security’s (“DHS”) unlawful  
2 decision to terminate TPS for 60,000 people from Honduras, Nicaragua, and Nepal.

3           5.       On July 31, 2025, this Court granted Plaintiffs’ motion to postpone all three  
4 termination decisions until November 18, 2025. Dkt. 73. Defendants moved to stay that order. After  
5 this Court denied Defendants’ request for a stay on August 8, 2025, Dkt. 87, the Ninth Circuit  
6 granted a stay of this Court’s postponement order on August 20, 2025, Dkt. 96.

7           6.       As a result of the Ninth Circuit stay order, the termination of Nepal’s TPS designation  
8 has taken effect. Nepali TPS holders no longer have work authorization and are subject to detention  
9 and deportation. The terminations of Honduras and Nicaragua’s TPS designations will go into effect  
10 on September 9, 2025, at which point Honduran and Nicaraguan TPS holders will lose their work  
11 authorization and become subject to detention and deportation

12           7.       Plaintiffs allege that the DHS Secretary’s decisions to terminate are unlawful under  
13 the Administrative Procedure Act (APA) and the Anti-Discrimination guarantee of the Fifth  
14 Amendment’s Due Process Clause, and must be set aside. Under the APA, Plaintiffs allege that (1)  
15 Defendants’ termination decisions were arbitrary and capricious because they were not based on a  
16 review of country conditions as required by statute, but instead on a preordained, political decision  
17 to terminate TPS wholesale, and (2) that Defendants arbitrarily and capriciously failed to  
18 acknowledge or explain their departure from two decades of unbroken agency practice of providing  
19 at least a six-month orderly transition period when terminating a TPS designation.

20           8.       Plaintiffs’ Motion for Partial Summary Judgment seeks summary judgment only on  
21 Plaintiffs’ second APA claim.

22           9.       Unlike Plaintiffs’ first APA claim, Plaintiffs’ second APA claim is purely legal, and  
23 requires no further factual development. The Ninth Circuit’s stay of this Court’s Postponement  
24 Order does not bar this Court from entering partial summary judgment on that claim before  
25 September 9—when an additional (more than) 50,000 people will otherwise lose their right to live  
26 and work in this country under Defendants’ illegal TPS terminations.

27           10.      Plaintiffs contacted Defendants via e-mail to request an accelerated briefing and  
28 hearing schedule for Plaintiffs’ Motion for Partial Summary Judgment and Motion for Leave to File

Multiple Motions for Summary Judgment. Defendants responded that they oppose accelerating briefing and hearing and stated that “If any hearing is to be held for [summary judgment] in September, it should happen on the date the Court already set aside on its calendar – September 16.” *See* Bansal Decl. in Support of Motion to Shorten Time for Motion for Partial Summary Judgment ¶ 9.

11. Good cause exists for this Court to hear Plaintiffs’ Motion for Partial Summary Judgment and Motion for Leave to File Multiple Motions for Summary Judgment on an expedited timeframe. Due to the Ninth Circuit’s stay of this Court’s postponement order, Dkt. 96, the termination of Nepal’s TPS designation is currently in effect, and the terminations of Honduras and Nicaragua’s TPS designation will imminently go into effect on September 9, 2025. Plaintiffs, as well as other Honduran, Nicaraguan, and Nepali TPS holders, are faced with tremendous and irreparable harm from losing their work authorization and their immigration status. Upon the termination of their TPS status, they are deprived of their ability to support themselves and their family, maintain their health insurance, pay for necessary medical care, rent housing, and drive. *See, e.g.*, Dkt. 17-4 (Hernandez Decl. ¶¶ 12–13); Dkt. 17-10 (A.C. Decl. ¶ 10); Dkt. 17-5 (O.C. Decl. ¶ 7); Dkt. 17-2 (Molina Decl. ¶¶ 13–14); Dkt. 17-8 (Martinez Decl. ¶¶ 13–14); Dkt. 17-6 (Lama Decl. ¶ 13); Dkt. 17-3 (Silva Decl. ¶¶ 13–14). Many Honduran, Nicaraguan, and Nepali TPS holders, including many individual Plaintiffs, have lived in the U.S. for more than twenty-five years and have U.S. citizen children and family members. *See, e.g.*, Dkt. 17-13 (Palma Decl. ¶¶ 28–29); Dkt. 17-6 (Lama Decl. ¶¶ 13–14); Dkt. 17-11 (Shrestha Decl. ¶ 10); Dkt. 17-12 (Carbajal Decl. ¶¶ 9–10); Dkt. 17-2 (Molina Decl. ¶¶ 7, 15); Dkt. 17-3 (Silva Decl. ¶ 16). Without legal immigration status under TPS, Plaintiffs and other Honduran, Nicaragua, and Nepali TPS holders face imminent arrest and detention, followed by deportation and the unfathomable separation from their U.S. citizen family members. *See generally*, Dkt. 17-13 (Palma Decl. ¶ 31); Dkt. 17-10 (A.C. Decl. ¶ 12); Dkt. 17-4 (Hernandez Decl. ¶¶ 14–16), Dkt. 17-5 (O.C. ¶¶ 6–8); Dkt. 17-2 (Molina ¶¶ 13–14); Dkt. 17-9 (R.A. Decl. ¶ 11); Dkt. 17-11 (Shrestha Decl. ¶¶ 10–14); Dkt. 17-6 (Lama Decl. ¶ 14–15); Dkt. 17-12 (Carbajal Decl. ¶ 14); Dkt. 17-3 (Silva Decl. ¶ 16).

12. For those reasons, Plaintiffs propose the following timeline:

- Defendants shall file their Response to Plaintiffs' Motion for Partial Summary Judgment by August 29, 2025 at 11:59 pm PST;
- Plaintiffs shall file their Reply, if any, by September 2, 2025 at 11:59 pm PST; and
- The Court will hear argument on the Motion for Partial Summary Judgment no later than September 8, 2025, or, in alternative, at the Motion for Class Certification hearing already scheduled for September 16, 2025, at 11:00 am PST.

13. There have been the following previous time modifications in this case:

- On July 11, 2025, the Court granted Plaintiffs' Motion to Shorten Time regarding Plaintiffs' Motion to Postpone (Dkt. 19) for good cause shown and advanced the parties' briefing schedule and hearing on the Motion to Postpone. *See* Dkt. 36.
- On July 15, 2025, the Court granted Plaintiffs' Motion to Expedite Production of Certified Administrative Records (Dkt. 42) for good cause shown and ordered Defendants to produce the CARs for Defendants' decisions to terminate TPS for Nepal, Nicaragua, and Honduras within seven (7) days of issuance of the Court's order. *See* Dkt. 47.
- On August 6, 2025, the Court granted Defendants' Motion to Shorten Time regarding Defendants' Emergency Motion for Stay (Dkt. 76) and advanced the parties' briefing schedule and the Court's decision on Defendants' Emergency Motion for Stay. *See* Dkt. 80.
- On August 14, 2025, the Court set a shortened schedule regarding Plaintiffs' Motion for Class Certification after the Plaintiff notified the Court that it intended to seek an expedited briefing schedule for class certification in the Joint Case Management Statement, and ordered Plaintiffs to file their Motion for Class Certification by August 15, 2025; Defendants to file their Opposition by August 25, 2025; Plaintiffs to file their Reply by August 29, 2025; and set argument on the Motion for Class Certification for September 16, 2025 at 2:00 pm PST. *See* Dkt. 91. On August 21, 2025, the Court advanced the Motion for Class Certification hearing to 11:00 am PST on the same day. *See* Dkt. 98.

- In its July 31, 2025 Order Granting Plaintiffs' Motion to Postpone, this Court *sua sponte* reserved November 18, 2025 for a dispositive motions hearing. On August 14, 2025, the Court further ordered the parties to file their dispositive motions no later than October 14, 2025; to file their oppositions to dispositive motions by October 28, 2025; to file their replies by November 4, 2025. *See* Dkt. 91.

14. If granted, the requested Motion will have minimal effect on the overall case schedule. All other currently scheduled dates will remain the same, including the deadline for Plaintiffs to file what would be their second Motion for Partial Summary Judgment (on the predetermination APA claim) by October 14, 2025, following discovery.

15. Based on the foregoing, and for good cause shown, Plaintiffs respectfully request that the Court modify the briefing and hearing schedule as set forth in paragraph 12 above.

Date: August 25, 2025

Respectfully submitted,

NATIONAL DAY LABORER  
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/s/ Jessica Karp Bansal

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 25, 2025, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

NATIONAL DAY LABORER  
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/s/ Jessica Karp Bansal  
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